

Justice Court

All Class B, Class C Misdemeanors and infractions that are not charged with Class A Misdemeanors or felonies as part of a single criminal episode are handled in the Justice Courts unless they occurred within Roosevelt City limits, in which case they are heard in the Roosevelt Department of the Eighth District Court. Small Claims matters are also filed in the Justice Court.

Contact Justice Court

Honorable Clair M. Poulson
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Hours: 9:00 am-1:00 pm Weekdays, excluding federal and state holidays.

Make A Payment

To make a payment, click on the link. This will take you to the payment page for the Justice Court.

[Justice Court Payments](#)

Instructions for Filing Small Claims Affidavit or Counter Affidavit Instructions to the Plaintiff Filing Suit

You are the "plaintiff" in this case and the person you are suing is the "defendant." The maximum amount that you may sue for is \$10,000.00.

Claims must be for the money damages only.

The Small Claims Court cannot be used to sue for possession of property or to evict a tenant.

You may not sue a governmental entity using small claims procedures.

The debt must be owed to you.

An employee may represent an employer, but you may not bring an action on behalf of anyone else.

The Small Claims Department has jurisdiction over cases in which the defendant resides or the debt arises within the geographic boundaries of the court.

You need to know the amount of the debt, what it is for, and the defendant's name, street address and telephone number.

If you are suing a business, call the Department of Commerce at 877-526-3994 (toll free) or <http://www.commerce.utah.gov> to obtain the business' proper name and the name of its registered agent.

You must prepare the Affidavit, sign it in the presence of a notary public or court clerk, have your signature notarized, and file it with the court clerk. The Affidavit should be typewritten, but will be accepted if legibly handwritten.

You must pay a filing fee of \$60.00 for claims \$2,000 or less, \$100.00 for claims \$2,001 to \$7,500 and \$185.00 for claims of \$7,501 to \$10,000 at the time you file the Affidavit.

If you cannot afford the filing fee, you can file an "Affidavit of Fee Waiver" (form available from the court). You will need to provide relevant financial information and the court may decide to waive the filing fee.

It is your responsibility to serve the defendant. You can serve the defendant by:

- Mailing a copy of the Affidavit to the defendant by any method that requires the defendant to sign acknowledging receipt.
- Giving the Affidavit to the Sheriff's department or Constable for service on the defendant, and paying for the service.

The Affidavit must be served on the defendant at least 30 calendar days before the trial date. If you serve the defendant by mail, the date of service is the date that the defendant signs the receipt.

If you serve the defendant by mail, you must fill out and file with the court the Proof of Service.

The Proof of Service Form must be filed with the court within 10 calendar days of service and must have the original receipt signed by the defendant attached.

If the Affidavit is served by the sheriff's office or constable, the Proof of Service will be filed by the sheriff or constable.

You will need to make sure the Affidavit has been served and proof of the service has been filed with the Court Clerk.

Trial

The clerk will set a trial date and give you a copy of the Affidavit with the trial date on it. If you fail to appear at trial, your case will be dismissed "with prejudice" and you will not be able to re-file your claim.

Counter Affidavit

If the defendant files a Counter Affidavit against you, trial may be rescheduled. If you fail to appear at trial after a Counter Affidavit has been filed, judgment may be entered against you for

the amount requested in the Counter Affidavit.

Instructions to the Defendant

Trial

You have had a lawsuit filed against you. If you wish to contest the plaintiff's claim, you must appear at trial on the appointed day. If you fail to appear at trial, judgment may be entered against you for the amount requested.

Payment

If you do not dispute the claim, make arrangements with plaintiff to pay the claim and the court costs. If the plaintiff obtains judgment and pursues collections through the court, additional court costs and interest may be charged to you.

Counter Affidavit

If the plaintiff owes you money, you may file a Counter Affidavit on a form provided by the clerk.

You must file the Counter Affidavit and pay the proper fee (\$50.00 for claims \$2,000 or less; \$70.00 for claims \$2,001 to \$7,500; \$120.00 for claims \$7,501 to \$10,000) at least 15 calendar days prior to the trial date.

The Court Clerk will mail a copy of the Counter Affidavit to the plaintiff.

If you intend to file a Counter Affidavit, many of the "Instructions to the Plaintiff" will apply to you.

Read them.

Additional Instructions to Both Parties

Attorneys

Small Claims cases are informal. Parties are encouraged to represent themselves. However, you may hire an attorney if you wish.

Parties with attorneys will not get preferential treatment.

Settlement

If the claim is settled prior to the trial date, call the court for instructions.

Postponing the Trial

If you want to change the trial date, you must request a "Continuance." Fill out the Request for Continuance form available at the court.

The court must receive your Request for Continuance form at least five calendar days before trial.

The Court Clerk can grant a continuance of up to 45 calendar days.

A longer continuance may be granted only by the judge.

Each side can only get one continuance from the Court Clerk.

Evidence and Witnesses

It is extremely important that you bring with you to trial all witnesses and papers necessary to prove your claim or defense. If you fail to do this, the case may be decided against you. Strict rules of evidence do not apply in trials of small claims actions.

Irrelevant or unduly repetitious evidence will be excluded.

A court may receive the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their serious business affairs.

The judge may allow hearsay that is probative, trustworthy and credible.

"Hearsay" is testimony about what someone else said.

If at all possible, witnesses should testify about their first-hand knowledge.

However, if possible, a party should have witnesses to testify rather than rely on hearsay.

Claims based entirely on hearsay will generally be disallowed.

Evidence should be offered through the statements of live witnesses at trial, except that written statements such as repair bids, appraisals, repair bills and medical bills may be used instead of live testimony to establish the amount of a claim.

If you intend to rely on such written statements, you should bring them with you.

Be sure that the statements are itemized, signed and submitted on the preparer's original letterhead.

If your case involves a damaged item, you should give the other party a chance to inspect the damage prior to trial.

If you need the testimony of a witness who will not attend trial voluntarily, you should ask the court or your attorney to issue a Subpoena requiring that person to attend. It is your responsibility to have the Subpoena served and to pay the witness fee and service fee. A subpoena must be served at least five calendar days before trial. You may have a witness appear voluntarily without a subpoena, but the judge will not continue the trial if the witness fails to appear.

Judgment

If judgment is granted, the winning party has the right to enforce the judgment. The losing party may be required to testify regarding assets and income.

A lien can be placed on the losing party's property, and non-exempt wages, bank accounts, stocks, and other assets can be seized and sold by the sheriff or constable.

A judgment accrues interest and the prevailing party may be entitled to recover court costs accruing after judgment.

A judgment must be collected or renewed within eight years of the date it is granted or it expires.

When a judgment is paid, the winning party must file a Satisfaction of Judgment with the court.

Appeal

Either party may appeal a Small Claims judgment within 30 business days (not counting weekends or holidays) of the entry of judgment. A Notice of Appeal must be filed with the court that issued the judgment and the appropriate fee paid. The notice of appeal automatically suspends the judgment, and the winning party may not attempt to collect the judgment.

Navigating the Court Process

If you've been charged with a crime in Duchesne County the following information may help you through the criminal justice system.

The courts comply with all applicable rules, statutes, and codes governing trial procedure. This

information is to provide a general guide to criminal defendants.

For specific legal advice concerning your case, you must consult an attorney.

Neither the Court nor the clerks may provide legal advice to you.

When you arrive at the court you should check in with the court clerk. The clerk may have information for you regarding your case.

Prior to your arraignment you will be advised of your constitutional rights.

You may take advantage of these rights before you see the judge or during the court proceedings.

Arraignment

The first step in the judicial process for criminal matters is an arraignment. At the arraignment, you will be advised of the charge(s) brought against you.

You will be advised of the time, date, and location where the alleged crimes violation(s) happened.

You may enter a plea of guilty, not guilty or no contest to the charges at this time.

You can advise the court at this time of your intent to obtain counsel from an attorney. You may also request appointment of an attorney to represent you at this time.

If you want to have an attorney appointed to represent you, you must understand the requirements on the court in order for it to make that appointment.

You must not be able to afford your own attorney.

Also, a potential jail time consequence must be statutorily available for the violation that you are accused of.

If an attorney is appointed to represent you, you may be required to repay some or all of the cost of the attorney if you are convicted of the offense against you. If you believe that you will qualify for a court appointed attorney and would like to ask the court to appoint one, you must ask the court clerk for an Affidavit of Appointment of Counsel.

Please fill out the Affidavit and submit it to the court clerk.

If you plead not guilty, your case will be set for a pretrial conference. If you plead guilty or no contest, you may be sentenced immediately or you can ask the court to delay sentencing for at least two days. If you plead guilty or no contest, you will be giving up your important Constitutional rights.

Pre-trial Conference

At the pre-trial conference, you will have the opportunity to discuss your case with the prosecutor. You are not required to discuss your case with the prosecutor. However, it is an opportunity to tell your side of the events.

The prosecutor may offer to reduce the charge(s) in exchange for your guilty or no contest plea ("plea bargain").

The prosecutor is not obligated to plea bargain and you have no right to a plea bargain.

You are not required to accept any offer made by the prosecutor.

The court will not reduce the charge against you on its own motion. The Court may deny any plea bargain offered.

If you and the prosecutor are unable to resolve your case at the pretrial conference or if the Judge rejects the plea bargain, your case will be set for a jury or bench trial.

Trial Procedures

In a bench trial, the court will hear the evidence presented by both sides. The judge will decide whether you are guilty or not guilty.

In a jury trial, a panel of four jurors will hear your case, and then decide whether you are guilty or not guilty.

You have a right to a jury trial if you can be jailed as a consequence of being found guilty of the charge(s).

Non-lawyers who desire a jury trial are encouraged to 1) get an attorney or 2) study the applicable rules, laws and codes governing jury trials.

You can jeopardize your rights or liberty if you do not follow the rules.

Since the prosecution has the burden of proof to prove their cases beyond a reasonable doubt, they have the first opportunity to speak to the court. This is called an opening statement. After the prosecution has made its opening statement, the defense has the option to make an opening statement or to wait until the beginning of their turn to present evidence and witnesses.

The opening statement is an opportunity to describe the types of evidence that will be presented and what you hope the evidence will mean to the judge or the jury. Neither side is required to make an opening statement.

After opening statements, the prosecution presents its "case-in-chief." The prosecutor will offer evidence to prove that a crime was committed and that you committed the crime.

After the prosecution is done, you will have the opportunity to present your evidence.

Either side may present witnesses or submit documents, subject to the Utah Rules of Evidence and the Utah Rules of Criminal Procedure.

After you finish presenting your argument, both sides will have the opportunity to rebut the other side. This is done by presenting additional evidence or testimony. The prosecutor will go first and the defense will follow.

After each side is done, closing arguments are made.

Closing arguments are an opportunity for both sides to explain to the court why their arguments are right. Again, the prosecution will go first, and then the defense will follow. The prosecution will have the chance to finish with a closing argument.

The case is then submitted to the court or the jury for a determination as to guilt.

If you are found not guilty, then you are free to go and the proceedings will end.

If you are found guilty, sentencing will be delayed for at least two days and may be delayed for as many as forty-five days. In most cases, you may waive this right and hear your sentence immediately.

The court may order that you take a blood test or report for a pre-sentence evaluation. If the court

orders, you will be required to report to an agency.

It is important for you to comply with the instructions of the court.

Failure to comply with the court's order may result in a warrant being issued for your arrest.

The following table shows the range of penalties which the court may impose:

Class of Offense

Jail Time

Base Fine

Class B Misdemeanor

0 - 180 days

\$0-1,000.00

Class C Misdemeanor

0 - 90 days

\$0-750.00

Infractions

0 days

\$0-750.00

In addition to the base fine, the State requires those convicted of certain crimes to pay a surcharge of either 35% or 90% of the base fine depending on the crime. Certain offenses require that a \$40.00 court security fee be imposed. The court can explain the base fine, surcharge, court Security fee associated with any fine imposed by the court.

You may also receive probation from the court. If the court imposes probation, the court will explain each of the terms and conditions of your probation to you.

You must fully comply and complete each term of probation.

Failure to complete the terms of probation can result in the revocation of your probation.